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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,822	04/05/2006	Gerard Olivier	281470US2XPCT	8916
22850	7590	02/22/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			KWON, ASHLEY M	
ART UNIT		PAPER NUMBER		
1795				
NOTIFICATION DATE		DELIVERY MODE		
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Mailed :

In re Application of

Oliver et. al.

Serial No. 10/560,822

Filed: April 5, 2006

For: Co-Generation Of Electricity By The  
Seebeck Effect Within A Fuel Cell

FEB 22 2010

DECISION ON  
PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 for improperly withdrawing claims from consideration.

Original claims 10-16 recited a fuel cell stack and claims 17-18 recited a method of partial recuperation. The Examiner issued a non-final Office Action on February 19, 2009 encompassing claims 10-18. Applicants responded on June 15, 2009 and added new claims 19-26 which recited a fuel cell stack. The Examiner withdrew claims 19-26 in the Office Action of September 26, 2009 because they recited additional details of the invention that were not recited in claims 10-16.

It is noted that the present application is the national stage of a PCT application and that any restriction requirement is governed by the unity of invention rules under 37 CFR 1.475.

**DECISION**

The petition is **GRANTED**.

The Examiner failed to establish that a lack of unity exists to the new claims and is directed to consider the withdrawn claims.

/Jacqueline M. Stone/

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